

## CCRB INVESTIGATIVE RECOMMENDATION

|   |   |                           |  |                                    |                                 |
|---|---|---------------------------|--|------------------------------------|---------------------------------|
| Investigator:<br>Thomas Juliano                   | Team:<br>Squad #13                              | CCRB Case #:<br>201902964 | <input type="checkbox"/> Force                         | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|   |   |                           | <input checked="" type="checkbox"/> Abuse              | <input type="checkbox"/> O.L.      | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Sat, 03/30/2019 10:38 PM      | Location of Incident:<br>██████████ 43rd Street | Precinct:<br>67           | 18 Mo. SOL<br>09/30/2020                               | EO SOL<br>5/17/2021                |                                 |
| Date/Time CV Reported<br>Sun, 03/31/2019 10:55 AM | CV Reported At:<br>IAB                          | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Fri, 04/05/2019 11:15 AM |                                    |                                 |

| Complainant/Victim | Type        | Home Address                             |
|--------------------|-------------|--|
| 1. ██████████      | Comp/Victim | 65 East 10th Street PH Brooklyn NY 11218 |
| 2. ██████████      | Victim      | 201 East 43rd Street Brooklyn NY 11203   |

| Subject Officer(s)  | Shield     | TaxID      | Command    |
|---------------------|------------|------------|------------|
| 1. POM ██████████   | ██████████ | ██████████ | ██████████ |
| 2. POM Michael Hawk | 01338      | 960645     | 069 PCT    |
| 3. DTS ██████████   | ██████████ | ██████████ | ██████████ |
| 4. SGT ██████████   | ██████████ | ██████████ | ██████████ |

| Witness Officer(s) | Shield No  | Tax No     | Cmd Name   |
|--------------------|------------|------------|------------|
| 1. POM ██████████  | ██████████ | ██████████ | ██████████ |

| Officer(s)           | Allegation   | Investigator Recommendation |
|----------------------|--|-----------------------------|
| A . POM ██████████   | Abuse of Authority: Police Officer ██████████ stopped ██████████   | A . Exonerated              |
| B . DTS ██████████   | Abuse of Authority: Detective ██████████ stopped ██████████  | B . Exonerated              |
| C . POM Michael Hawk | Abuse of Authority: Police Officer Michael Hawk stopped ██████████   | C . Exonerated              |
| D . POM ██████████   | Abuse of Authority: Police Officer ██████████ stopped ██████████   | D . Exonerated              |
| E . DTS ██████████   | Abuse of Authority: Detective ██████████ stopped ██████████  | E . Exonerated              |
| F . POM Michael Hawk | Abuse of Authority: Police Officer Michael Hawk stopped ██████████   | F . Exonerated              |
| G . POM ██████████   | Abuse of Authority: Police Officer ██████████ frisked ██████████   | G . Unsubstantiated         |
| H . POM ██████████   | Abuse of Authority: Police Officer ██████████ searched ██████████  | H . Unsubstantiated         |
| I . POM Michael Hawk | Abuse of Authority: Police Officer Michael Hawk frisked ██████████   | I . Unsubstantiated         |
| J . POM Michael Hawk | Abuse of Authority: Police Officer Michael Hawk searched ██████████  | J . Unsubstantiated         |
| K . DTS ██████████   | Abuse of Authority: Detective ██████████ searched the vehicle in which ██████████ and ██████████ were occupants. | K . Unsubstantiated         |
| L . DTS ██████████   | Abuse of Authority: Detective ██████████ searched ██████████   | L . Unsubstantiated         |

| Officer(s)           | Allegation  | Investigator Recommendation |
|----------------------|---|-----------------------------|
| M . SGT [REDACTED]   | Abuse of Authority: Sergeant [REDACTED] searched [REDACTED]   | M . Unsubstantiated         |
| N . POM Michael Hawk | Abuse of Authority: Police Officer Michael Hawk searched the vehicle in which [REDACTED] and [REDACTED] were occupants. | N . Unsubstantiated         |
| O . POM Michael Hawk | Abuse of Authority: Police Officer Michael Hawk searched [REDACTED]   | O . Unsubstantiated         |
| P . DTS [REDACTED]   | Abuse of Authority: Detective [REDACTED] refused to provide his name to [REDACTED]                                      | P . Unsubstantiated         |
| Q . POM [REDACTED]   | Abuse of Authority: Police Officer [REDACTED] failed to provide [REDACTED] with a business card.                        | Q . Substantiated           |
| R . POM [REDACTED]   | Abuse of Authority: Police Officer [REDACTED] failed to provide [REDACTED] with a business card.                        | R . Substantiated           |
| S . POM Michael Hawk | Abuse of Authority: Police Officer Michael Hawk failed to provide [REDACTED] with a business card.                      | S . Unsubstantiated         |
| T . POM Michael Hawk | Abuse of Authority: Police Officer Michael Hawk failed to provide [REDACTED] with a business card.                      | T . Unsubstantiated         |
| U . DTS [REDACTED]   | Abuse of Authority: Detective [REDACTED] failed to provide [REDACTED] with a business card.                             | U . Unsubstantiated         |
| V . DTS [REDACTED]   | Abuse of Authority: Detective [REDACTED] failed to provide [REDACTED] with a business card.                             | V . Unsubstantiated         |
| W . SGT [REDACTED]   | Abuse of Authority: Sergeant [REDACTED] failed to provide [REDACTED] with a business card.                              | W . Unsubstantiated         |
| X . POM [REDACTED]   | Other: Police Officer [REDACTED] failed to prepare a memo book entry as required.                                       | X . Other Misconduct        |
| Y . POM Michael Hawk | Other: Police Officer Michael Hawk failed to prepare a memo book entry as required.                                     | Y . Other Misconduct        |
| Z . DTS [REDACTED]   | Other: Detective [REDACTED] failed to prepare a memo book entry as required.  | Z . Other Misconduct        |
| AA. SGT [REDACTED]   | Other: Sergeant [REDACTED] failed to prepare a memo book entry as required.   | AA. Other Misconduct        |
| AB. POM [REDACTED]   | Other: Police Officer [REDACTED] failed to prepare a stop and frisk report as required.                                 | AB. Other Misconduct        |
| AC. DTS [REDACTED]   | Other: Detective [REDACTED] failed to prepare a stop and frisk report as required.                                      | AC. Other Misconduct        |
| AD. POM Michael Hawk | Other: Police Officer Michael Hawk failed to prepare a stop and frisk report as required.                               | AD. Other Misconduct        |
| AE. POM [REDACTED]   | Other: Police Officer [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.      | AE. Other Misconduct        |
| AF. POM Michael Hawk | Other: Police Officer Michael Hawk improperly used his body-worn camera according to Patrol Guide Procedure 212-123.    | AF. Other Misconduct        |
| AG. DTS [REDACTED]   | Other: Detective [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.           | AG. Other Misconduct        |

### Case Summary

On March 31, 2019, Ms. [REDACTED] filed this complaint over the phone with IAB on behalf of herself and her boyfriend, Mr. [REDACTED]. On April 4, 2019, the CCRB received the complaint via log #19-12946.

On March 30, 2019, at approximately 10:38 p.m., Ms. [REDACTED] and Mr. [REDACTED] were sitting inside of Mr. [REDACTED] vehicle, parked in front of Mr. [REDACTED] driveway of his home, located at 201 East 43<sup>rd</sup> Street in Brooklyn. PO [REDACTED] PO Michael Hawk, and Det. [REDACTED] of the 69<sup>th</sup> Precinct stopped Mr. [REDACTED] and Ms. [REDACTED] (**Allegations A, B, C, D, E, and F: Abuse of Authority – exonerated**). PO [REDACTED] frisked and searched Mr. [REDACTED] (**Allegations G and H: Abuse of Authority – unsubstantiated**). PO Hawk frisked and searched Ms. [REDACTED] (**Allegation I and J: Abuse of Authority – unsubstantiated**). Det. [REDACTED] searched Mr. [REDACTED] vehicle (**Allegation K: Abuse of Authority – unsubstantiated**). Det. [REDACTED] and Sgt. Terrance [REDACTED] of the 69<sup>th</sup> Precinct searched Ms. [REDACTED] (**Allegations L and M: Abuse of Authority – unsubstantiated**). PO Hawk searched Mr. [REDACTED] vehicle and Ms. [REDACTED] purse (**Allegations N and O: Abuse of Authority – unsubstantiated**). Det. [REDACTED] refused to provide his name to Mr. [REDACTED] (**Allegation P: Abuse of Authority – unsubstantiated**).

PO [REDACTED] failed to offer a business card to Ms. [REDACTED] and Mr. [REDACTED] (**Allegations Q and R: Abuse of Authority – substantiated**). PO Hawk and Det. [REDACTED] failed to offer business cards to Mr. [REDACTED] and Ms. [REDACTED] (**Allegations S, T, U, and V: Abuse of Authority – unsubstantiated**). Sgt. [REDACTED] failed to offer a business card to Ms. [REDACTED] (**Allegation W: Abuse of Authority – unsubstantiated**). PO [REDACTED] Det. [REDACTED] PO Hawk, and Sgt. [REDACTED] failed to prepare memo book entries as required (**Allegations X, Y, Z, and AA: Other Misconduct**). PO [REDACTED] Det. [REDACTED] and PO Hawk failed to prepare stop and frisk reports as required (**Allegations AB, AC, and AD: Other Misconduct**). PO [REDACTED] Det. [REDACTED] and PO Hawk improperly used their body-worn-cameras (**Allegations AE, AF, and AG: other misconduct**). No arrests or summonses resulted from this incident.

There is no video evidence in this case.

### Findings and Recommendations

**Allegation A – Abuse of Authority: Police Officer [REDACTED] stopped [REDACTED]**

**Allegation B – Abuse of Authority: Detective [REDACTED] stopped [REDACTED]**

**Allegation C – Abuse of Authority: Police Officer Michael Hawk stopped [REDACTED]**

**Allegation D – Abuse of Authority: Police Officer [REDACTED] stopped [REDACTED]**

**Allegation E – Abuse of Authority: Detective [REDACTED] stopped [REDACTED]**

**Allegation F – Abuse of Authority: Police Officer Michael Hawk stopped [REDACTED]**

Mr. [REDACTED] and Ms. [REDACTED] both alleged that Mr. [REDACTED] vehicle was parked in front of Mr. [REDACTED] driveway when the officers stopped their police car next to Mr. [REDACTED] vehicle, exited their police car, and approached Mr. [REDACTED] vehicle with their flashlights turned on. PO [REDACTED] ordered Mr. [REDACTED] to produce his license and registration, which Mr. [REDACTED] provided immediately (**Board Review 01, 02**).

PO [REDACTED] PO Hawk, Det. [REDACTED] and Sgt. [REDACTED] all said Mr. [REDACTED] vehicle was parked in the lane of traffic which was a violation. As they attempted to drive by, they smelled marijuana coming from the vehicle (See Allegations D-M below). PO [REDACTED] and PO Hawk both said Mr. [REDACTED] vehicle was also blocking a driveway. Det. [REDACTED] did not recall if Mr. [REDACTED] vehicle was blocking a driveway. PO [REDACTED] wanted to inquire as to whether the driveway belonged to Mr. [REDACTED] (**Board Review 03, 04, 05, 06**).

NYC Department of Transportation Traffic Rules and Regulations, Section 4-08 states that no person shall park in front of a public or private driveway, except that it shall be permissible for the owner, lessor, or leasee of the lot accessed by a private driveway to park a passenger vehicle registered to him/her at that address in front of such driveway (**Board Review 07**).

Absent additional evidence, the investigation was unable to determine if Mr. [REDACTED] vehicle was blocking traffic. However, given that Mr. [REDACTED] vehicle was parked on the street blocking a driveway, the officers were justified in stopping Mr. [REDACTED] and Ms. [REDACTED] to determine if Mr. [REDACTED] vehicle was parked improperly. Therefore, it is recommended that **Allegations A, B, C, D, E, and F** be closed as **exonerated**.

**Allegation G – Abuse of Authority: Police Officer [REDACTED] frisked [REDACTED]**

**Allegation H – Abuse of Authority: Police Officer [REDACTED] searched [REDACTED]**

**Allegation I – Abuse of Authority: Police Officer Michael Hawk frisked [REDACTED]**

**Allegation J – Abuse of Authority: Police Officer Michael Hawk searched [REDACTED]**

**Allegation K – Abuse of Authority: Detective [REDACTED] searched the vehicle in which [REDACTED] and [REDACTED] were occupants.**

**Allegation L – Abuse of Authority: Detective [REDACTED] searched [REDACTED]**

**Allegation M – Abuse of Authority: Sergeant [REDACTED] searched [REDACTED]**

**Allegation N – Abuse of Authority: Police Officer Michael Hawk searched the vehicle in which [REDACTED] and [REDACTED] were occupants.**

**Allegation O – Abuse of Authority: Police Officer Michael Hawk searched [REDACTED]**

Mr. [REDACTED] and Ms. [REDACTED] both said at some point after ordering Mr. [REDACTED] to produce his identification, PO [REDACTED] told them that he observed “weed sprayed all around the car.” Both Mr. [REDACTED] and Ms. [REDACTED] denied having marijuana or smoking marijuana inside of the vehicle. Neither Mr. [REDACTED] nor Ms. [REDACTED] specified if they had smoked marijuana at any point during the day or if their clothes smelled. Mr. [REDACTED] and Ms. [REDACTED] were uncooperative with subsequent contact attempts to obtain additional information about this aspect of the incident (See IAs for contact attempts).

Mr. [REDACTED] testified that PO [REDACTED] ordered Mr. [REDACTED] to step out of the vehicle and he complied. PO [REDACTED] patted Mr. [REDACTED] down along the front and side of his torso, his jacket pockets, front and rear pants pockets, and down his legs. PO [REDACTED] removed Mr. [REDACTED] wallet from one of the rear pockets of Mr. [REDACTED] pants. PO [REDACTED] escorted Mr. [REDACTED] to the rear of the vehicle. PO Hawk ordered Ms. [REDACTED] to step out of the vehicle. Mr. [REDACTED] heard Ms. [REDACTED] scream “stop,” and “don’t touch me,” but could not see what was happening as PO Hawk and Ms. [REDACTED] were on the other side of the vehicle.

Ms. [REDACTED] testified that PO Hawk ordered her to exit the vehicle and she complied. PO Hawk patted Ms. [REDACTED] right jacket pocket. He reached his hand into her right jacket pocket, and through the pocket, patted down her groin area, over her pants. Ms. [REDACTED] screamed that was not her pocket, and that he was touching her “private area.” Det. [REDACTED] and another officer, identified by the investigation as Sgt. [REDACTED] approached Ms. [REDACTED] and turned out her jacket pockets. The only item contained in Ms. [REDACTED] jacket pockets were her keys. Det. [REDACTED] told Ms. [REDACTED] that because she was shaking, they suspected her of possessing a firearm. Ms. [REDACTED] did not see PO [REDACTED] frisk or search Mr. [REDACTED]

Mr. [REDACTED] testified that after Ms. [REDACTED] exited the car, Det. [REDACTED] entered the car. Mr. [REDACTED] could not see specifically where Det. [REDACTED] searched the vehicle, but observed his

flashlight moving around the vehicle, both in the front and in the rear of the vehicle. Det. [REDACTED] was inside of the vehicle for approximately two minutes. Ms. [REDACTED] did not recall Mr. [REDACTED] vehicle being searched and believed that the officers only peered inside of it from outside.

PO [REDACTED] PO Hawk, and Det. [REDACTED] all said that as they attempted to drive by Mr. [REDACTED] vehicle, they smelled an odor of marijuana coming from the vehicle. While PO [REDACTED] was standing near the driver's window speaking with Mr. [REDACTED] and while PO Hawk was walking to the passenger side of the vehicle, both officers observed remnants of marijuana, specifically small, green pieces that appeared to have fallen out of a marijuana cigarette or pipe as it was being prepared, "scattered" in the front center console of the car near the gear shifter. PO Hawk also said he observed a marijuana cigarette in the cup holder. Det. [REDACTED] did not recall if any marijuana was found inside of the vehicle.

PO [REDACTED] testified that he ordered Mr. [REDACTED] to step out of the vehicle and frisked him for weapons. He did not observe any specific bulges that he was concerned about, but stated that he always conducts frisks whenever he asks someone to step out of a vehicle. PO [REDACTED] denied entering Mr. [REDACTED] pockets.

PO Hawk testified that once Ms. [REDACTED] was out of the vehicle, she kept one of her hands inside of her jacket pocket. PO Hawk did not observe any specific bulges that concerned him; however, Ms. [REDACTED] jacket was large and fell past her knees, which prevented him from seeing any potential bulges. PO Hawk frisked Ms. [REDACTED] jacket, around her waist, and her jacket pocket where her hand was and felt that her hand was clenched. Ms. [REDACTED] pulled away and told PO Hawk not to touch her. PO Hawk ordered her to remove her hand from her pocket and she refused. Ms. [REDACTED] refusal to remove her hand from her pocket made PO Hawk fear that she may have been concealing a firearm. Sgt. [REDACTED] who had been driving behind the officers in a separate car to get food with them, had been sitting in his car up until this point. PO Hawk called Det. [REDACTED] and Sgt. [REDACTED] over for assistance. As Sgt. [REDACTED] and Det. [REDACTED] spoke to Ms. [REDACTED] PO Hawk walked away from Ms. [REDACTED] Either Sgt. [REDACTED] or Det. [REDACTED] convinced Ms. [REDACTED] to remove her hand from her pocket, and PO Hawk observed loose marijuana in her hand.

PO [REDACTED] denied entering Mr. [REDACTED] pockets and did not observe any officers reach inside of Ms. [REDACTED] pockets. Sgt. [REDACTED] and PO Hawk did not reach inside of Ms. [REDACTED] or Mr. [REDACTED] pockets nor did they see any other officer do so. Det. [REDACTED] did not recall if Ms. [REDACTED] or Mr. [REDACTED] pockets were searched.

After PO Hawk observed the marijuana inside of Ms. [REDACTED] pocket, he entered Mr. [REDACTED] vehicle and searched Ms. [REDACTED] purse, which contained additional marijuana. PO Hawk examined the loose marijuana spread around the gear shift area of the vehicle and observed marijuana joints in the cup holder. This was the extent of PO Hawk's search of Mr. [REDACTED] vehicle. He did not believe any other officer searched the vehicle. PO [REDACTED] did not testify to PO Hawk searching Mr. [REDACTED] vehicle (The civilians did not allege that PO Hawk searched the vehicle, and PO [REDACTED] was interviewed prior to PO Hawk acknowledging doing so). PO [REDACTED] testified that Det. [REDACTED] searched Mr. [REDACTED] vehicle through the driver's door and did not recall if he went through any other doors. Det. [REDACTED] recovered one or two small bags of marijuana from the cup holders. Det. [REDACTED] denied searching Mr. [REDACTED] vehicle. Sgt. [REDACTED] did not see the vehicle be searched.

PO [REDACTED] Det. [REDACTED] PO Hawk, and Sgt. [REDACTED] all said they used their discretion and decided not confiscate the marijuana, issue any summonses, or make any arrests pursuant to this incident.

Although it is disputed whether PO [REDACTED] PO Hawk, Det. [REDACTED] and Sgt. [REDACTED] searched Mr. [REDACTED] and Ms. [REDACTED] had the vehicle contained marijuana, the officers would have been justified in taking all the actions they were alleged to have taken. However, absent additional evidence, including clarifying information from Mr. [REDACTED] and Ms. [REDACTED] the investigation could not determine if Mr. [REDACTED] and Ms. [REDACTED] were in [REDACTED] of marijuana. It is therefore recommended that **Allegations G, H, I, J, K, L, M, N, and O** be closed as **unsubstantiated**.

**Allegation P – Abuse of Authority: Detective [REDACTED] [REDACTED] refused to provide his name to [REDACTED].**

Mr. [REDACTED] alleged that after Det. [REDACTED] searched his vehicle, he approached Mr. [REDACTED] and told him that there was marijuana “sprayed all over the car.” Mr. [REDACTED] asked for Det. [REDACTED] name. Det. [REDACTED] did not acknowledge Mr. [REDACTED] question. Ms. [REDACTED] did not allege mention Mr. [REDACTED] requesting Det. [REDACTED] name.

Det. [REDACTED] and PO [REDACTED] could not recall if Mr. [REDACTED] requested Det. [REDACTED] name, nor did they recall Det. [REDACTED] providing his name to Mr. [REDACTED]. PO Hawk did not hear Mr. [REDACTED] request Det. [REDACTED] name nor did he recall Det. [REDACTED] providing his name to Mr. [REDACTED]. Sgt. [REDACTED] denied that Mr. [REDACTED] requested Det. [REDACTED] name and he did not hear Det. [REDACTED] provide his name to Mr. [REDACTED].

Absent additional evidence, the investigation could not determine if Det. [REDACTED] refused to provide his name to Mr. [REDACTED]. Therefore, it is recommended that **Allegation P** be closed as **unsubstantiated**.

**Allegation Q – Abuse of Authority: Police Officer [REDACTED] [REDACTED] failed to provide [REDACTED] with a business card.**

**Allegation R – Abuse of Authority: Police Officer [REDACTED] [REDACTED] failed to provide [REDACTED] with a business card.**

**Allegation S – Abuse of Authority: Police Officer Michael Hawk failed to provide [REDACTED] with a business card.**

**Allegation T – Abuse of Authority: Police Officer Michael Hawk failed to provide [REDACTED] with a business card.**

**Allegation U – Abuse of Authority: Detective [REDACTED] [REDACTED] failed to provide [REDACTED] with a business card.**

**Allegation V – Abuse of Authority: Detective [REDACTED] [REDACTED] failed to provide [REDACTED] with a business card.**

**Allegation W – Abuse of Authority: Sergeant [REDACTED] [REDACTED] failed to provide [REDACTED] with a business card.**

Ms. [REDACTED] and Mr. [REDACTED] both alleged that none of the officers offered them business cards. (The investigation determined that Sgt. [REDACTED] arrived to the location after PO [REDACTED]. Det. [REDACTED] and PO Hawk stopped Mr. [REDACTED] and after PO [REDACTED] frisked and allegedly searched Mr. [REDACTED]. Therefore, this allegation has not been pled against Sgt. [REDACTED] in regards to Mr. [REDACTED].

Det. [REDACTED] said he forgot to provide Mr. [REDACTED] and Ms. [REDACTED] with business cards. PO [REDACTED] had his business cards on him, but forgot to provide them. PO [REDACTED] did not recall if any other officer did so. Det. [REDACTED] and PO Hawk did not recall if they or any officers offered business cards to Mr. [REDACTED] or Ms. [REDACTED].

Sgt. [REDACTED] said he offered Ms. [REDACTED] a business card and she refused it. He did not offer one to

Mr. [REDACTED] as he arrived after the vehicle was stopped to calm Ms. [REDACTED] down, and did not have any interaction with Mr. [REDACTED]. Sgt. [REDACTED] did not know if PO [REDACTED] PO Hawk, or Det. [REDACTED] offered Ms. [REDACTED] and Mr. [REDACTED] business cards, but stated that he left the location before the other officers left.

NYC Administrative Code, Section 14-174 states that officers are required to provide members of the public with business cards after law enforcement encounters, including stops, frisks, and vehicle searches, in which no summons is issued or arrest is made (**Board Review 08**).

Given that PO [REDACTED] stopped Mr. [REDACTED] and Ms. [REDACTED] frisked Mr. [REDACTED] and ultimately did not arrest or summons them, PO [REDACTED] was obligated to offer a business card to Mr. [REDACTED] and Ms. [REDACTED] and acknowledged that he failed to do so. Therefore, it is recommended that **Allegations Q and R** be closed as **substantiated**.

Absent additional evidence, the investigation could not determine if PO Hawk and Det. [REDACTED] offered business cards to Mr. [REDACTED] or Ms. [REDACTED] or if Sgt. [REDACTED] offered a business card to Ms. [REDACTED]. Therefore, it is recommended that **Allegations S, T, U, V, and W** be closed as **unsubstantiated**.

**Allegation X – Other Misconduct: Police Officer [REDACTED] [REDACTED] failed to prepare a memo book entry as required.**

**Allegation Y – Other Misconduct: Police Officer Michael Hawk failed to prepare a memo book entry as required.**

**Allegation Z – Other Misconduct: Detective [REDACTED] [REDACTED] failed to prepare a memo book entry as required.**

**Allegation AA – Other Misconduct: Sergeant [REDACTED] [REDACTED] failed to prepare a memo book entry as required.**

PO [REDACTED] PO Hawk, Det. [REDACTED] and Sgt. [REDACTED] did not prepare memo book entries regarding this incident (**Board Review 09**). PO [REDACTED] stated that he did not prepare a memo book entry because he forgot, and because he typically only prepares memo book entries for car stops when they result in summonses or arrests. Det. [REDACTED] stated that he did not prepare a memo book entry because the incident was not a violent crime. PO Hawk and Sgt. [REDACTED] did not provide a reason for not preparing memo book entries.

NYPD Patrol Guide, Procedure 212-08 states that all uniformed members of service, except members performing permanent administrative or clerical duties, are required to make entries in their memo books regarding tasks performed during their tour (**Board Review 10**).

Given that PO [REDACTED] PO Hawk, Det. [REDACTED] and Sgt. [REDACTED] acknowledged their participation in this incident, but they did not prepare memo book entries in regards to this incident, it is recommended that they be cited for **other misconduct**.

**Allegation AB – Other Misconduct: Police Officer [REDACTED] [REDACTED] failed to prepare a stop and frisk report as required.**

**Allegation AC – Other Misconduct: Detective [REDACTED] [REDACTED] failed to prepare a stop and frisk report as required.**

**Allegation AD – Abuse of Authority: Police Officer Michael Hawk failed to prepare a stop and frisk report as required.**

As per the officers and a negative Department Advocate's Office ("DAO") request for Stop Question and Frisk Reports, no Stop, Question, and Frisk Reports were prepared for Mr. [REDACTED] and Ms. [REDACTED] despite them being stopped and frisked (**Board Review 11**). Neither Mr. [REDACTED]

nor Ms. [REDACTED] were arrested nor summonsed as a result of this incident.

NYPD Patrol Guide, Procedure 212-11 states that officers are required to prepare a stop report for each person stopped in a level three encounter (**Board Review 12**).

Because PO [REDACTED] Det. [REDACTED] and PO Hawk stopped and frisked Mr. [REDACTED] and Ms. [REDACTED] and failed to prepare Stop, Question, and Frisk Reports as required, it is recommended that they be cited for **other misconduct**.

**Allegation AE – Other Misconduct: Police Officer [REDACTED] [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.**

**Allegation AF – Other Misconduct: Police Officer Michael Hawk improperly used his body-worn camera according to Patrol Guide Procedure 212-123.**

**Allegation AG – Other Misconduct: Detective [REDACTED] [REDACTED] improperly used his body-worn camera according to Patrol Guide Procedure 212-123.**

PO [REDACTED] Det. [REDACTED] and PO Hawk each testified to stopping Mr. [REDACTED] vehicle, though none of the officers activated their BWC during the incident. Det. [REDACTED] testified that he did not activate his BWC because it was not a violent crime. PO Hawk testified that he believed that his BWC's battery was dead as his tour was extended. PO [REDACTED] did not provide a justification for not activating his BWC. (The NYPD BWC Deployment Roster from March 28, 2019 shows that Sgt. [REDACTED] was not assigned a BWC during this incident, so this allegation has not been pled to him (**Board Review 13**).)

NYPD Patrol Guide, Procedure 212-123 states that officers must activate their BWC prior to engaging in vehicle stops. Recordings must begin prior to the stop, and officers must continue recording until the investigative, enforcement, or other police action is concluded (**Board Review 14**).

Given that PO [REDACTED] Det. [REDACTED] and PO Hawk did not activate their BWC during this incident, it is recommended that they be cited for **other misconduct**.

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which Ms. [REDACTED] and Mr. [REDACTED] have been a party (**Board Review 15**).
- PO [REDACTED] has been a member-of-service for four years and has been a subject in seven additional CCRB complaints and 18 allegations, one of which was substantiated. PO [REDACTED] CCRB history does not reflect a pattern pertinent to this investigation.
  - 201807315 involved a substantiated allegation of Discourtesy - Word. The Board recommended command level instructions and the NYPD has not yet imposed discipline.
- Det. [REDACTED] has been a member-of-service for 11 years and has been a subject in 14 additional CCRB complaints, and 34 allegations, none of which have been substantiated. Det. [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO Hawk has been a member-of-service for three years and has been a subject in five additional CCRB complaints, and 13 allegations, none of which have been substantiated. PO Hawk's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- Sgt. [REDACTED] has been a member-of-service for eight years and has been a subject in nine additional CCRB complaints, and 13 allegations, none of which have been substantiated. Sgt. [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation.

#### **Mediation, Civil and Criminal Histories**



- Mr. [REDACTED] declined to mediate this complaint.
  - As of August 2, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to incident **(Board Review 16)**.
  - According to the Office of Court Administration (OCA), Ms. [REDACTED] and Mr. [REDACTED] have no history of convictions in New York City **(Board Review 17)**.
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Squad No.: 13

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date